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Atty. Dkt. No. 050374-0107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jihoon KANG et al.
Title: ENGINE TORQUE CONTROL
APPARATUS
Appl. No.: 10/650,085
Filing Date: 08/28/2003
Examiner: B.R. Mohanty
Art Unit: 3747

**LETTER
(UNDER A GENERAL OBLIGATION OF CANDOR AND GOOD FAITH
IN PRACTICE BEFORE THE OFFICE)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby respectfully request that the Patent Office recalculate the Patent Term Adjustment. It is believed that the Patent Term Adjustment should be 26 days in stead of 31 days.

- The above-identified application was filed on August 28, 2003.
- The Notice to File Missing Parts was issued on December 1, 2003.
- Applicants timely filed the response to the Notice to File Missing Parts on February 2, 2004, within three months of the mailing date of the Notice to Filing Missing Parts.
- The first PTO action was issued on August 12, 2004, within fourteen months of the filing date of the subject application.
- Applicants timely filed a response to the PTO action on November 12, 2004, within three months of the mailing date of the office action.
- The PTO issued a Notice of Allowance on January 6, 2005, within four months of the filing date of the Applicants' response.

- Applicants timely made the issue fee payment on March 7, 2005, within three months of the mailing date of the Notice of Allowance.
- The four-month date from the issue fee payment date is July 7, 2005.
- The patent issued on August 2, 2005, which should result in 26 PTO days.

Therefore, total PTO days are 26 and total Applicant Delay day is 0, which results in patent term adjustment days of 26.

This letter is being filed consistent with the general obligation of candor and good faith in practice before the Office and pursuant to the PTO's response to Comment 43 of the Final Rule RIN 0651-AB06 published in the Federal Register, Vol. 65, No. 181, on September 18, 2000, which states as follows:

"In order to comply with this duty and where the correct adjustment is thought to be less than indicated by the Office, an application for term adjustment under § 1.705(b) need not be filed. Instead, a letter could be filed with the issue fee payment, indicating that the term adjustment is thought to be longer than appropriate."

Respectfully submitted,

Date AUG 23 2005

By 

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